United Nations CCPR/C/BEN/Q/2

International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the second periodic report of Benin*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Taking into account the previous concluding observations of the Committee, please provide information on the applicability of the Covenant as a whole (see CCPR/CO/82/BEN, para. 27). In addition, given that the Covenant has precedence over domestic laws in the State party, please provide specific examples of judicial proceedings in which the provisions of the Covenant were directly invoked by one of the parties and cases in which the country's courts applied the Covenant directly or referred to its provisions. Also indicate what measures have been taken by the State party to disseminate the Covenant among judges and other law enforcement officials.

2. Provide additional information on the adoption of the decree implementing Act No. 2012-36 of 15 February 2013 on the establishment of the new Benin Human Rights Commission and the appointment of the members of the Commission. Indicate what measures are envisaged to ensure that the Commission is fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

3. In follow-up to the Committee's recommendation, indicate whether the State party has begun running public awareness-raising programmes on human rights (see CCPR/CO/82/BEN, para. 25). Also indicate whether human rights are covered in school and university curricula.

Non-discrimination, equality between men and women (arts. 2, 3, 23 and 26)

4. With reference to paragraphs 68 to 72 of the State party's report, which state that an observatory for the family, women and children has been established, please provide detailed, up-to-date information on t

he measures taken to eliminate discrimination towards women and eradicate its causes and to raise public awareness of equal rights for men and women. Also describe the measures

* Adopted by the Committee at its 113th session (16 March–2 April 2015).

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taken to protect women who are already involved in polygamous unions and the additional measures taken to abolish the practice of polygamy.

5. Describe the specific measures adopted to promote the effective implementation of legislation and policies designed to foster gender equality and, in particular, to ensure the participation of women in the different areas of public life and facilitate women's access to land. Indicate whether the State party has assessed the impact of the establishment of the National Institute for the Advancement of Women in December 2009.

Violence against women, including domestic violence (arts. 2, 3, 7, 23 and 26)

6. Following the adoption of Act No. 2011-26 of 9 January 2012 on the prevention and prohibition of violence against women, which covers domestic violence and marital rape, sexual harassment, forced prostitution, forced marriage, honour crimes and other harmful practices, provide information on the practical enforcement of this law and the implementation of the relevant provisions of the Personal and Family Code. Indicate how many complaints have been registered and what follow-up has been given to them, including with regard to cases of rape of minors. Also indicate what other measures have been taken to eliminate all forms of violence against women in practice, including widowhood rites and levirate marriage.

7. Taking account of Act No. 2003-03 on the prohibition of female genital mutilation, please describe the progress achieved in this respect. Please provide details on any other measures adopted to eliminate this practice, including campaigns to raise awareness among religious leaders and other members of the public.

Right to life, prohibition of torture and other cruel, inhuman or degrading treatment (arts. 6 and 7)

8. Please provide information on the current status of the bill to amend the Criminal Code. Indicate the actions taken within the framework of this reform to follow up on the Committee's recommendation that the State party should seek to ensure the right to security and freedom of the person, the right to a fair trial and the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment (See CCPR/CO/82/BEN, para. 12). Given that Beninese law does not expressly prohibit the use of evidence obtained through torture, please indicate whether the State party has plans to incorporate a provision establishing the inadmissibility of statements obtained under torture in the new Criminal Code, along with a definition of torture and cruel, inhuman or degrading treatment or punishment that is in line with article 1 of the Convention against Torture. Provide information on the mechanisms in place for impartial investigations of complaints of torture or ill-treatment filed against State officials at all stages of the detention process. Provide detailed information on the bill to establish an observatory for the prevention of torture.

9. Following the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, indicate whether the bill to amend the Criminal Code expressly provides for the abolition of the death penalty in Benin. Indicate also whether the sentences of the last death-row prisoners to be convicted have been commuted by the Government.

10. Provide detailed information on the scale of mob justice and infanticide in Benin and on specific measures adopted to combat these phenomena. Also provide information on steps taken to halt the killing of so-called "witch children". Please provide information on the progress of the investigations into the death of the journalist Jean Christophe Houngo and of his family, the death of the student René Miwanou and the attempted murder of the human rights defender Martin Assogba. Describe any other action that the State party has taken, or plans to take, to provide better protection for the right to life and physical integrity.

Liberty and security of person, treatment of persons deprived of their liberty (arts. 9 and 10)

11. In follow-up to the Committee's recommendations, please provide details on the implementation of the new provisions of the Code of Criminal Procedure relating to the rights of persons in police custody to have access to a lawyer in the initial hours of detention, to inform their relatives of their detention, to be examined by a doctor of their choice and to be informed of their rights (See CCPR/CO/82/BEN, paras. 15 and 16). Please also provide information on the reparation awarded to victims of abuses of the system of police custody and arbitrary detention on remand in line with the decisions of the Constitutional Court and in accordance with articles 206 to 210 of the new Code of Criminal Procedure.

12. Provide additional information on specific measures taken to improve conditions of detention, especially in terms of hygiene, access to health care and meals. Provide information on progress made in the prison refurbishment process and the additional measures taken to reduce prison overcrowding and ensure separation between pretrial detainees and convicted prisoners, women and men, and children and adults. Provide details of measures taken to introduce alternative penalties to imprisonment. Specify the extent to which the increase in the number of judges has enabled them to conduct regular unannounced inspections of places of detention. Provide information on the criteria used for the selection of non-governmental organizations authorized to visit places of detention.

Elimination of slavery, forced labour and servitude (arts. 8 and 24)

13. Information available to the Committee suggests that the State party is a source, transit and destination country for trafficking in human beings for the purpose of forced labour and sexual exploitation. Please provide information on steps taken to combat trafficking in human beings, especially women and children, and to eliminate child labour, in particular the practice of *vidomegon* children, which, in addition to being a problem in itself, is also reportedly a source of supply for child sale and trafficking networks. Please also provide information on measures taken to eliminate the trafficking and forced labour of children, including the investigations carried out, the cases prosecuted and the support and compensation provided to victims. Please confirm whether the bill against trafficking in persons is being drafted and indicate its current status and which parties are involved in the process.

Independence of the judicial system, right to a fair trial (art. 14)

14. The State party referred to complaints received from persons involved in judicial proceedings in 2006 which mainly related to the slowness of the proceedings and the conduct of members of the justice system n(See CCPR/C/BEN/2, para. 48). Describe the steps taken by the State party to resolve these problems and provide up-to-date data in this connection. Please also provide information on the procedure for appointing and dismissing judges and public prosecutors and on measures taken to combat corruption in the judiciary and facilitate access to justice for the public as a whole.

15. Taking into account the Committee's previous concluding observations, describe the measures that have been taken in relation to the system of judicial confirmation and indicate whether the requirement that pretrial detainees and convicts must wear jackets indicating their place of detention has been abolished (See CCPR/CO/82/BEN, paras. 19 and 21).

16. With regard to the Committee's recommendation that the State party facilitate access to a lawyer and legal assistance in criminal proceedings from the time of arrest onward,

provide information on the current situation and indicate whether free legal assistance is guaranteed for indigent persons (See CCPR/CO/82/BEN, para. 20).

Freedom of opinion and expression, freedom of assembly and association (arts. 19, 21 and 22)

17. In view of the information received by the Committee about restrictions on public gatherings, particularly gatherings that are not pro-Government, clarify the reasons for such restrictions and explain how the State party safeguards the right to peaceful assembly.

18. Please detail the measures taken to create an environment in which all media in the State party are able to express themselves freely on all issues. Provide detailed information on the criteria used by the Audiovisual and Communication Authority to assess the activities of various organizations and the measures adopted to ensure the Authority's total independence from the executive branch. Provide information on the march of 4 February 2015, allegedly organized to protest against the use of the public media by the authorities.

19. According to information made available to the Committee, certain journalists are still in prison. Indicate whether press offences have effectively been decriminalized as a result of the amendment of the Criminal Code and to what extent article 59 of the Code of Criminal Procedure, according to which persons may not be held in police custody for press offences, has been applied. Provide details of the Information and Communication Code adopted on 22 January 2015, in particular where it concerns press offences, their time limitations and the penalties incurred.

Non-discrimination and the rights of the child (arts. 3 and 24)

20. Provide information on the dissemination and implementation of the Children's Code adopted on 26 January 2015 and the efforts made to promote birth registration. In addition, information received by the Committee indicates that girls have less access to education than boys do. Describe the steps taken to ensure that free primary education is available and to increase school enrolment rates, particularly among girls.

Dissemination of information about the Covenant (art. 2)

21. Please describe the measures that the State party has taken to disseminate information about the Covenant and its related Optional Protocols, the submission of the State party's second periodic report and its review by the Committee. Please also provide more detailed information on the involvement of civil society and NGOs in the preparation of that second periodic report.